

## Staff Summary Report

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**Council Meeting Date:** 6/19/03

**Agenda Item Number:** 31

**SUBJECT:** Hold a public hearing for approval with conditions of a Sidewalk Café Permit for Devries Restaurants LLC, dba Marvos "Taste with a Twist" (70786), 699 S. Mill Ave, Dale Donald Devries, Applicant.

**DOCUMENT NAME:** 20030619STAX01 LIQ LIC (0210-02)

**SUPPORTING DOCS:** YES

**COMMENTS:** Pursuant to Tempe City Code, Section 24-26, the premises have been posted for a 14-day period, and no public opposition has been received on this application. Ordinance No. 2002.34 is the lease agreement between the City and the applicant for a sidewalk café, and should be considered in conjunction with this agenda item.

A public meeting of the Downtown Vending Committee was held on May 29, to discuss the café application by Marvos "Taste with a Twist". Committee consensus was to recommend to Council the granting of the permit, with the following conditions:

1. Table height against outside railing must be no higher than 30 inches; tables abutting the establishment are allowed to be up to 42 inches in height; chairs are required
2. No speakers shall be allowed into the extended service area
3. No cans or glass bottles are allowed into the extended service area at any time, including special events (which is defined as a City permitted event approved by the Special Events Committee) occurring adjacent to the service area
4. Stemware/glassware are only prohibited during special events.
5. Railings/gates for the extended service area shall be a minimum of 42 inches and designed with an angular or circular feature on the top of the railing
6. Establishment must comply with all State and City laws

The layout and design was reviewed and approved by the City of Tempe Design Review staff with the following conditions:

1. No parking variance is required.
2. Outdoor patio shall not encroach into required six (6) foot clear sidewalk pedestrian thoroughfare.
3. Obtain Design Review approval and required sign permit for any exterior menu board signage.
4. A minimum three (3) foot wide clear pedestrian path is required from the gate entrance to the building entrance.
5. Patio gate clearances & requirements shall comply with ADA Chapter 4.13. Latch-side clearance of the patio gate requires the width of the door/gate plus 12". Pull-side clearance requires width of door/gate plus 18".
6. Patio gates shall provide a minimum clear opening width of 32" with the gate(s) open 90 degrees.

7. Gates shall swing in the direction of exit travel.
8. Gates shall have no latching/lock device unless it is panic hardware.
9. All new patio fence and gates shall be painted to match existing fence/gate colors on property. If there are none, Design Review staff shall approve color prior to installation.

**PREPARED BY:** Kay Savard, Specialty License Coordinator (8650)

**REVIEWED BY:** Bruce Smith, Audit & License Supervisor (8509)

**LEGAL REVIEW BY:** Andrew Ching, Asst City Attorney (8609)

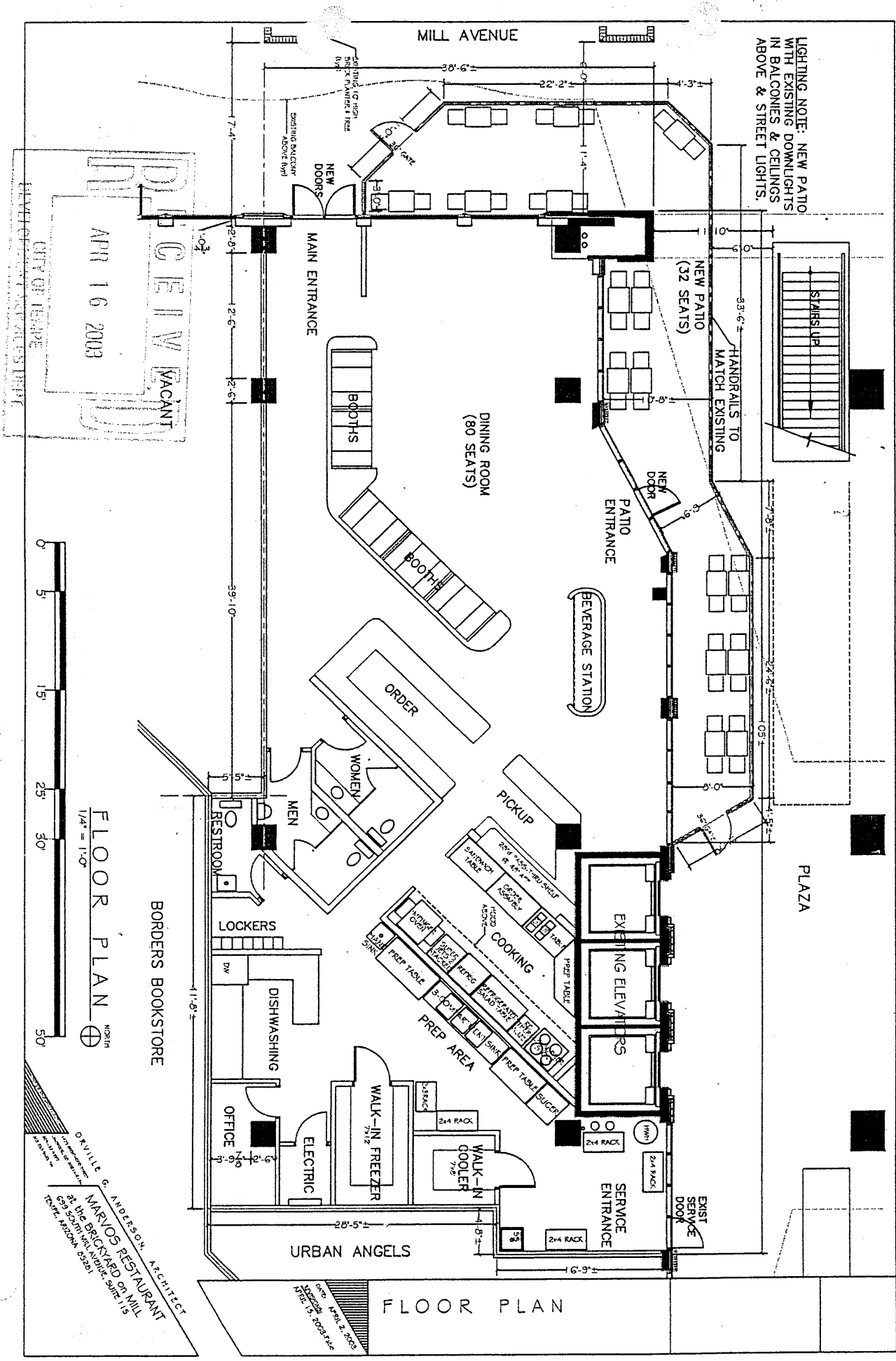
**FISCAL NOTE:** N/A

**RECOMMENDATION:** The Downtown Vending Committee recommends that Council approve Marvo's "Taste with a Twist" application, including the conditions noted above, for a Sidewalk Café Permit.

**ADDITIONAL INFO:** N/A

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*Marios  
Revised 4/17/03*



FLOOR PLAN

APR 16 2003

FLOOR PLAN

1/4" = 1'-0"



BORDERS BOOKSTORE

URBAN ANGELS

PLAZA

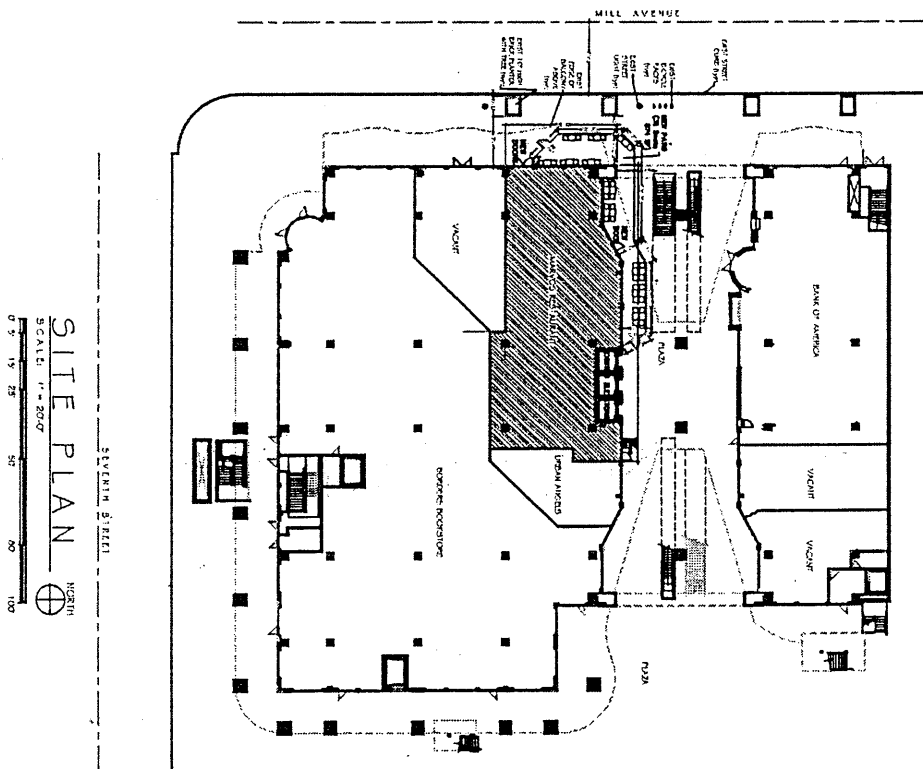
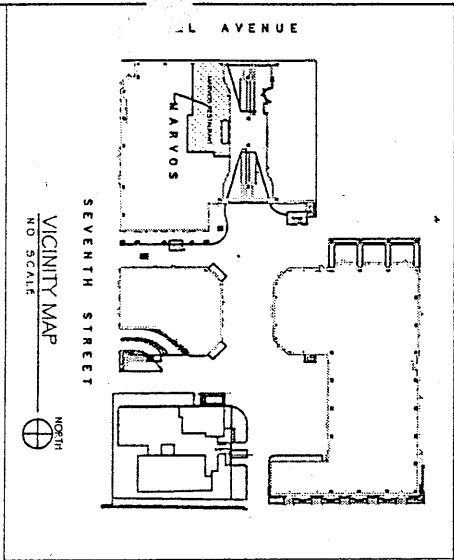
LIGHTING NOTE: NEW PATIO WITH EXISTING DOWNLIGHTS IN BALCONIES & CEILINGS ABOVE & STREET LIGHTS.

DATE: APR 2, 2003  
BY: T. ANDERSON

DRVILLE G. ANDERSON, ARCHITECT  
MARIOS RESTAURANT  
28 THE BRICKYARD ON MILL  
655 SOUTH MILWAUKEE AVE. SUITE 115  
MILWAUKEE, WISCONSIN 53211

DATE: APRIL 2, 2003  
BY: APRIL 15, 2003-PHO

RECEIVED  
APR 16 2003  
CITY OF TEMPE  
DEVELOPMENT SERVICES DEPT



**PROJECT DESCRIPTION:**  
TENANT IMPROVEMENT INTO EXISTING SHELL  
FOR RESTAURANT

**OCCUPANCY:** A-3  
**AREA:** 3,967 SQUARE FEET  
**PATIO AREA:** 874± SQUARE FEET

**SEATING:** 80 INSIDE  
32 PATIO

**EXITS:** 2 EXITS REQUIRED & PROVIDED  
FIRE SPRINKLER: FULLY SPRINKLERED

**LEGAL DESCRIPTION - SITE LOCATION:**  
SUITE 115, FIRST FLOOR  
BANK OF AMERICA BUILDING  
BRICKYARD PROJECT  
TEMPE, ARIZONA

SITE PLAN

DATE: APRIL 2, 2003  
PROJECT: APRIL 15, 2003, 1:00 PM

ORVILLE S. ANDERSON, Architect  
at the BRICKYARD on MILL  
650 SOUTH AVENUE, Suite 115  
TEMPE, ARIZONA 85281